

22 July 1831.



(Ireland.)

A

B I L L,

INTITULED,

AN ACT to provide for the better Order and Government of *Ireland*, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein.

N. B.—*The Figures in the Margin denote the Number of Presses in the Ingression.*

- 1 **W**H E R E A S His gracious MAJESTY has been pleased, by Proamble :
Letters Patent under the Great Seal of the United Kingdom
of *Great Britain and Ireland*, and His Royal Predecessors have in like
manner used from time to time, to appoint, make, ordain, constitute
and depute one Lieutenant General and Governor General of that part
of the United Kingdom of *Great Britain and Ireland* called *Ireland*,
commonly called The Lord Lieutenant of *Ireland*: AND whereas by an
Act passed in the Parliament of *Ireland* in the second year of the
reign of his Majesty King *George the First*, intituled, "An Act to make 2 Geo. 1. (L)
"the Militia of this Kingdom more useful," provision was made for the
issuing forth Commissions of Lieutenancy for the several and respective
2 Counties, Cities, and Places of *Ireland*, such Commissions to be issued
by The King's most excellent Majesty, or those who should be from
time to time appointed Chief Governor or Governors of that Kingdom :
AND whereas the said Act, after having been several times continued,
finally expired : AND whereas by another Act of the Parliament of
Ireland, passed in the seventeenth and eighteenth years of the reign
of his Majesty King *George the Third*, intituled, "An Act for
"establishing a Militia in this Kingdom," similar provisions for the
issuing of Commissions of Lieutenancy were made ; but the said Act
has long since been repealed, and Governors and Deputy Governors 17 & 18
Geo. 3. (L)
have

have been from time to time appointed for the several Counties, Counties of Cities, and Counties of Towns in *Ireland*, and certain powers and authorities have been from time to time, by several Acts now in force, conferred upon such Governors and Deputy Governors: AND whereas it would tend to the better order and government of that part of His Majesty's Dominions, if Lieutenants were appointed for the several Counties, Counties of Cities, and Counties of Towns, to act under the said Lieutenant General and Governor General, or other Chief Governor or Governors of *Ireland*, in like manner as may have been provided for by the said recited Acts of the Parliament of *Ireland*, and as Lieutenants are appointed for the several Counties, Ridings and Places in *England*; and it is moreover expedient that the powers and authorities of the Governors and Deputy Governors of Counties and Places in *Ireland* should be transferred to the Persons to be appointed to act as Lieutenants and Deputy Lieutenants for the same; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful, at any time after the passing of this Act, for His Majesty's said Lieutenant General and Governor General of *Ireland*, commonly called The Lord Lieutenant of *Ireland*, or for any other Chief Governor or Governors thereof, by Letters Patent to be made under the Great Seal of that part of the United Kingdom called *Ireland*, to substitute, assign and appoint, under him or them, Lieutenants for the several Counties, Counties of Cities, and Counties of Towns in *Ireland*; and such Lieutenants, and their Deputies, to be appointed in manner hereinafter mentioned, shall have and exercise, within the limits of their several and respective jurisdictions, all and every such powers and authorities as by an Act passed in the forty-ninth year of the reign of his Majesty King *George* the Third, intituled, "An Act for amending and reducing into one Act the several Laws for raising and training the Militia of *Ireland*," or by any other Act or Acts in force in *Ireland*, the Governors or Deputy Governors of Counties or Places in *Ireland* may respectively have or exercise, or might have had or exercised before the passing of this Act; and shall also have full power and authority to do, execute, transact and perform all and singular the matters and things in and by the said Letters Patent to be prescribed, declared or contained, which to the Lieutenants of His Majesty may in anywise lawfully belong; subject always to such exceptions, limitations and restrictions as His Majesty may in His wisdom appoint.

Lord Lieutenant may, by Letters Patent under the Great Seal of *Ireland*, appoint Lieutenants of Counties, Counties of Cities and Towns, who shall have the same Powers as Governors of Counties had heretofore;

49 Geo. 3. c. 120.

and execute Directions contained in Letters Patent.

After issue of such Letters Patent, Powers of Governors

And be it Enacted, That from and after the Enrolment of such Letters Patent appointing any such Lieutenant as aforesaid for any County or Place, the Commissions of all and every the Governors and Deputy

Deputy Governors of such County or Place shall wholly cease and determine, as if the same had been specifically cancelled or revoked; and all Powers, Privileges and Authorities, Duties, Obligations and Liabilities vested in or in any manner conferred or attaching upon such Governors and Deputy Governors by any law, statute or usage whatsoever, whether appertaining to the execution of the laws, the appointment of inferior officers, the assembling of the Militia, or any other concern whatsoever, shall vest in and be transferred to such Lieutenant and his Deputies respectively, as fully and completely to all intents and purposes as if the same had been herein specifically mentioned.

and Deputy
Governors of
Counties to
cease, and be
transferred to
County Lieutenants and
their Deputies.

And be it Enacted, That as often as the office of Custos Rotulorum of any County in *Ireland* shall from and after the passing of this Act become or be vacant, it shall be lawful for the Lord Lieutenant General and General Governor, or other Chief Governor or Governors of *Ireland*, by Letters Patent to be made under the Great Seal of *Ireland*, to appoint a fit Person to the said office, which person so appointed shall hold the said office until the said Lord Lieutenant General, or other Chief Governor or Governors of *Ireland*, shall by Letters Patent under the Great Seal of *Ireland* appoint another fit Person to the said office; and that the Person so from time to time appointed shall and may occupy and enjoy the said office of Custos Rotulorum in like manner, and with all such powers and authorities, and subject to all such duties as now relate or may by force of any statute, usage or patent appertain to the said office of Custos Rotulorum: Provided always, That nothing herein contained shall extend or be construed to extend in anywise to affect the rights of any person who now is or before the passing of this Act shall be in possession of the office of Custos Rotulorum, or to affect the custody of the rolls of any county or place, or the rights, duties, authorities and obligations of the Custos or Custodes Rotulorum, or any appointment or delegation which such Custos or Custodes may now lawfully make.

Lord Lieutenant authorized to appoint to the Office of Custos Rotulorum, &c.

And be it Enacted, That for the more effectually carrying into execution the purposes of this Act, it shall be lawful for the Lieutenant of every County and Place, or for the Chief Magistrate of a City or Town, according to the provision hereinafter contained, and he is hereby authorized and required to appoint to be Deputy Lieutenants of such County or Place so many proper and discreet Persons duly qualified as hereinafter mentioned, and living within the same county or place or city or town, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from time to time determine and signify, if so many fit and discreet persons duly qualified can be found therein, and if so many cannot be found therein, then as many as can be found therein: Provided always, That the names of such persons shall first

The Lieutenants of each County and Place to appoint Deputy Lieutenants.

be presented to and approved of by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being; and provided further, that the commission of any person so as aforesaid appointed a Deputy Lieutenant shall not be vacated by reason of the vacation, expiration or discontinuance of the commission or authority of the person or persons by whom any such Deputy Lieutenant has been or may be appointed, but shall nevertheless continue in full force and effect.

Qualification
of Deputy
Lieutenants
200*l.* per
annum, or Heir
to 400*l.* per
annum in
County.

And be it further Enacted, That all Persons appointed Deputy Lieutenants for any County or Place, save as hereinafter otherwise provided, shall be qualified as follows (that is to say) Every person so to be appointed a Deputy Lieutenant shall be seised or possessed either in law or equity, for his own use and benefit, of a Real or Freehold Estate for his own life, or for the life of his wife, she having a real or freehold estate for her life or for some greater term, or shall be possessed of a Term of Years whereof Fourteen years shall be unexpired, in Manors, Messuages, Lands, Tenements or Hereditaments, of the yearly value of Two hundred Pounds, or shall be Heir Apparent of some Person who shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of Four hundred Pounds: Provided further, That the Estate or Lands constituting the aforesaid Qualification of every Deputy Lieutenant shall be situated within the county or place whereof he shall be appointed Deputy Lieutenant, or in some one or more of the counties next adjoining such county or place.

In Cities and
Places, Coun-
ties within
themselves,
Chief Magis-
trate to ap-
point Deputy
Lieutenants;
Qualification
150*l.* per
annum, or
3,000*l.*

And be it further Enacted, That in all Cities and Towns which are Counties within themselves, and which raise and train a Militia either separately within their several precincts and liberties, or which may be for that purpose united with any county, the Lieutenant of every such City or Town, or where there shall be no Lieutenant the Chief Magistrate of each of the said Cities and Towns respectively for the time being, shall appoint the Deputy Lieutenants within such City or Town; and such Deputy Lieutenants shall respectively have all the powers and authorities vested in the Deputy Lieutenants of Counties; and all the provisions of this Act for transferring to Lieutenants and Deputy Lieutenants the powers and authorities heretofore belonging to and exercised by Governors and Deputy Governors, shall extend to and be alike valid and obligatory as respects such Deputy Lieutenants to be appointed by such Chief Magistrate as aforesaid: Provided always, That the respective Value of the qualifications of such Deputy Lieutenants in Cities and Towns shall be as follows (that is to say) Every Deputy Lieutenant for a City or Town shall be seised or possessed either in law or equity, for his own use and benefit, of a Real or Freehold Estate for his own life, or for the life of his wife, she having a real or freehold estate for her life or for some greater term, or shall be possessed

possessed of a Term of Years whereof fourteen shall be unexpired, of the yearly value of One hundred and fifty Pounds at the least, or shall be possessed of a Personal Estate alone, or cised and possessed of a Real and Personal Estate together, of the value of Three thousand Pounds; and that the qualification of every such Deputy Lieutenant, if the same consist of lands or tenements, shall be situated within the same City or Town or the Liberties thereof wherefore he shall be appointed a Deputy Lieutenant.

Provided always, and be it Enacted, That if the Lieutenant of any County or Place, or any Chief Magistrate of a City or Town, shall decline, refuse or omit to appoint and return the names of Persons to be Deputy Lieutenants of such County or Place or City or Town, then and in such case it shall be lawful for the Lord Lieutenant, or other

11 Chief Governor or Governors of *Ireland* for the time being, to appoint such Persons (duly qualified as aforesaid) as he or they shall think fit to be Deputy Lieutenants for every such County, Place, City or Town whereof the Lieutenant or Chief Magistrate shall have declined, refused or omitted to appoint Deputy Lieutenants as aforesaid.

If Lieutenants neglect to appoint Deputies, Lord Lieutenant may appoint them.

And be it further Enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, or the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, from time to time, as he or they shall think fit, to signify his or their pleasure to the Lieutenant of any County or Place, or to any Chief Magistrate of a City or Town, to displace all or any Deputy Lieutenant or Deputy Lieutenants thereof; and upon such signification of his or their pleasure, such Deputy Lieutenant or Deputy Lieutenants shall be displaced accordingly.

King, or Lord Lieutenant, may remove Deputies.

And be it further Enacted, That no Person shall be appointed a Deputy Lieutenant of any County or Place, City or Town, until he shall have delivered to the Clerk of the Peace of the County or Place, or the Town Clerk of the City or Town for which he shall be appointed, or, in the absence of the Clerk of the Peace, to his Deputy, a specific

12 description in writing, signed by himself, of his Qualification, stating, if the same shall consist of lands or tenements, the county, parish or parishes in which the estate or estates which form his qualification is or are situate, with the denominations of the land; and the Clerk of the Peace or his Deputy, or Town Clerk, shall transmit to the Custos Rotulorum, or Lieutenant of the County or Place, or to the Chief Magistrate of the City or Town, a copy of such description.

Deputy Lieutenants to deliver their Qualifications to Clerk of Peace.

And be it further Enacted, That the Clerk of the Peace of every such County, or the Town Clerk of such City or Town, shall and is hereby required from time to time to enter the Qualifications transmitted

Clerk of Peace to enter Qualifications on Roll, and

transmit Copy
of it to Secre-
tary, who is to
lay them
before Parlia-
ment annually.

to him according to the directions of this Act, upon a roll to be provided and kept for that purpose; and the said Clerk of the Peace or his Deputy, or Town Clerk, shall, in the month of January in every year, transmit to the Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the time being, a complete Account of the Qualifications so left with him; and such Secretary receiving such Accounts shall cause copies thereof to be annually laid before both Houses of Parliament.

13

Deputy Lieutenants to make Oaths and sign Declarations as Officers of the King's Forces in *Ireland*.

And be it Enacted, That every Deputy Lieutenant shall at some Quarter Sessions of the Peace, or in one of His Majesty's Courts of Record at *Dublin*, within Three Months from and after the date of his commission, take such Oaths or Oath, and make and sign such Declaration or Declarations, as is or shall be required to be taken, made and signed by any Officer of His Majesty's Forces in *Ireland*.

Penalty 200*l*. on Deputy-Lieutenants acting without being qualified, except Peer or Heir Apparent of Peer.

And be it further Enacted, That if any Person shall execute any of the powers hereby directed to be executed by Deputy Lieutenants, not being qualified as aforesaid, or not having delivered in such specific description of his Qualifications as is hereinbefore required, save in the cases hereinafter particularly mentioned, or not having taken the said Oaths and made the said Declarations within the time herein directed for those purposes, every such Person shall forfeit and pay the sum of Two hundred Pounds, one Moiety whereof shall go to the use of the person or persons who shall sue for the same; and in every Action, Suit or Information brought against any person for acting as Deputy Lieutenant, not being qualified as hereinbefore directed, the proof of his qualification shall lie upon the person against whom the same is brought: Provided always, That nothing in this Act contained shall restrain or prevent any Peer of this Realm, or Heir Apparent of any such Peer, from being appointed or acting as Deputy Lieutenant within any county, place, or city or town wherein such Peer or Heir Apparent of such Peer shall have some place of residence, although he may not have the qualifications hereinbefore required, or to oblige any Peer of this Realm, or Heir Apparent of such Peer, who shall be appointed Deputy Lieutenant as aforesaid, to leave with the Clerk of the Peace for the County, or Town Clerk of the Town or City for which he shall be so appointed, any description of qualifications in writing as aforesaid.

14

Power of Colonels to appoint Officers of Regiments to be transferred to the Lieutenants of Counties and Places; but former Continuances to be good.

And be it Enacted, That from and after the Enrolment of the Letters Patent constituting and creating a Lieutenant for any County or Place, all such power and authority as by the said recited Act of the fortieth year of the reign of his Majesty King *George* the Third, is given to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to appoint the Colonel for any regiment or battalion of Militia raised and trained within such County or Place, shall cease and determine;
and

and all such power and authority as by the said recited Act is given to the Colonel of Militia raised and trained in such County or Place, to appoint
 15 the number respectively of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter-Masters and Assistant Surgeons, and all other officers of his regiment or battalion, shall likewise cease and determine; and it shall thereupon be and become lawful and competent for the Lieutenant of such County or Place appointed under authority of this Act, in like manner as heretofore the Lord Lieutenant or other Chief Governor or Governors of Ireland may have done, to appoint the Colonel for any and every regiment or battalion of Militia raised and trained within the County or Place whereof he shall be appointed such Lieutenant; and it shall also become lawful for such Lieutenant, in like manner as heretofore the Colonel of such Militia might have done, to nominate and appoint all and every the respective number of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters and Assistant Surgeons, and all other officers of any and every regiment or battalion of Militia within the County of which he shall be Lieutenant: Provided always, That all and every Commission theretofore granted to or by any Colonel of Militia shall be good, valid and effectual to all intents and purposes whatsoever, any thing in this Act contained to the contrary notwithstanding: And provided further, That nothing herein contained shall extend or be construed to extend to deprive any Colonel of Militia acting under a Commission granted before the passing of this Act, of the power and authority to appoint such Lieutenant Colonels and other officers of his
 16 regiment or battalion, in like manner as such Colonel may have had power and authority to do under the said recited Act of the forty-ninth year of his Majesty King George the Third, and as if this Act had not been passed.

Proviso as to Colonels of Militia acting under Commissions granted before the passing hereof.

And be it Enacted, That where any County of a City or Town shall, for the purpose of raising and training any regiment or battalion of Militia, be made part of and united with any County, then and in such case it shall and may be lawful for the Lieutenant of such County to which such County of a City or Town shall have been united and made part thereof for such purpose as aforesaid, to nominate and appoint the Colonel, and also the respective number of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters and Assistant Surgeons, and all other officers of such regiment or battalion, in like manner as any Lieutenant is hereby authorized to appoint the same in cases where any regiment or battalion of Militia is raised and trained wholly by the County of which he shall be Lieutenant: And
 17 provided further, That no Commission of any Officer in the Militia shall be vacated by reason of the vacation, repeal, revocation or other discontinuance of the authority of the Lieutenant or Vice Lieutenant by whom he may be or have been appointed.

In cases where Counties of Cities or Places raise Militia in common with Counties at large, Lieutenant of County to appoint Officers.

Commissions not to be vacated by Discontinuance of Authority by which created.

Provisions of
49 G. 3 c. 130,
to extend to
Persons ap-
pointed
under this
Act, except
as to the Ap-
pointment of
Officers by
Colonels.

And be it Enacted, That all and every the provisions of the said recited Act of the forty-ninth year of the reign of King *George* the Third, and of any and every other Act or Acts in force before the passing of this Act, for regulating the Appointment and Qualification of persons to be appointed Officers of Militia, and prescribing the duties, obligations and authorities of such persons, shall be alike valid and effectual as respects all persons to be or who shall be at any time appointed Officers of Militia under or by authority of this Act, or any commission derived therefrom, and apply to all such persons as if the same had been herein specifically mentioned and re-enacted; save only as respects the power and authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint the Colonels of Militia, and of the Colonels of Militia to appoint the Lieutenant Colonels and other inferior officers.

Lieutenant
General to
appoint a
Vice Lieu-
tenant during
Absence of
Lieutenant
for County,
&c.

And be it Enacted, That when any Lieutenant for any County or Place appointed under authority of this Act shall be absent from *Ireland*, or in case of the sickness or other disability of any such Lieutenant, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if ever they shall deem it expedient, by warrant under his hand or their hands to appoint a Vice Lieutenant to act within the same county or place for the Lieutenant thereof, during the absence or disability of such Lieutenant; and until the appointment of such Vice Lieutenant shall be rescinded in manner hereinafter mentioned, and from and after the issuing of such warrant as aforesaid, all powers and authorities, whether as regards the appointment of Deputy Lieutenants or granting commissions to Officers of the Militia, or any other matter or thing which might have been exercised by the Lieutenant of the same county or place, shall be vested in and exercised by the Vice Lieutenant appointed as aforesaid, and all acts, matters and things which might or ought to be transacted or done by or with such Lieutenant, shall be transacted or done by or with such Vice Lieutenant, and be alike good, valid and effectual as if transacted or done by or with such Lieutenant: Provided always, That so soon as the Lieutenant of the County or Place for which any Vice Lieutenant shall be appointed shall have notified to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by writing under his hand, his return to *Ireland*, or his capability to resume the duties of such Lieutenantcy, (as the case may be,) the said Lord Lieutenant or other Chief Governors of *Ireland* shall forthwith issue his or their warrant to the said Vice Lieutenant, rescinding the appointment of the said Vice Lieutenant, and thereupon all the powers and authorities of the said Vice Lieutenant shall wholly cease and determine, and the same shall be re-vested in and exercised by such Lieutenant as if the same had never been divested or ceased to be exercised by him: Provided further, That all appointments and acts of the said

said Vice Lieutenant shall nevertheless remain in full force and effect.

20 Provided always, and be it Enacted, That nothing in this Act contained shall extend or be construed in anywise to abridge or alter the powers, privileges, authorities or duties of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* now or at any time hereafter to be constituted and deputed by virtue of His Majesty's prerogative; and such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, any thing herein contained to the contrary notwithstanding, have and enjoy full right title and authority to require and receive, as well from and of Lieutenants, Vice Lieutenants, and Deputy Lieutenants of Counties and Places, as from all other Subjects of His Majesty in *Ireland*, such attendance, assistance, aid and obedience as by any Letters Patent or other instrument nominating and deputing such Lord Lieutenant or other Chief Governor or Governors of *Ireland* he or they would or might have been entitled to before the passing of this Act.

This Act not to abridge or alter Powers or Privileges of Lord Lieutenant.

2 WILL. IV.—Sess. 1831.

(Ireland.)

A

B I L L,

INTRODUCED,

AN ACT to provide for the better Order and Government of *Ireland*, by Licentiatees for the several Counties, Counties of Cities, and Councils of Towns therein.

Ordered, by The House of Commons, to be Printed,
22 July 1831.
